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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **PONCE-Hernandez, Belisario** Defendant.	Magistrate Case No. '08 MJ 2496 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1326 Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about **August 11, 2008**, within the Southern District of California, defendant **Belisario PONCE-Hernandez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

SIGNATURE OF COMPLAINANT
Alfredo Loperena, Enforcement Officer
U.S. Customs and Border Protection

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 12th DAY OF **August, 2008**.

UNITED STATES MAGISTRATE JUDGE

DOA 8/11/08

HWC

PROBABLE CAUSE STATEMENT

On 08/11/08 at approximately 11:30 AM, **Belisario PONCE-Hernandez**, the Defendant, made application for admission to the United States from Mexico at the **San Ysidro Port of Entry** via the vehicle primary lanes. Defendant was a passenger in a Honda Accord. Defendant presented a border crosser document (form DSP-150) not lawfully issued to him to a Customs and Border Protection (CBP) Officer. The primary CBP Officer recognized that the Defendant, the driver and another passenger were all impostors to the documents they presented. The vehicle and its occupants were escorted to secondary for further inspection.

During the secondary inspection, Defendant's fingerprints were queried in the Integrated Automated Fingerprint Identification System (IAFIS), which verified Defendants identity. Further queries in the Immigration Central Index System and the Deportable Alien control System confirmed the Defendant was ordered deported from the United States on 08/25/05 and physically removed from the United States through the San Ysidro Port of Entry on 08/27/05. Immigration service records indicate the Defendant has not applied for nor received permission to legally reenter the United States by the Attorney General or the Secretary of Homeland Security.